

VEHICLE IMPOUND AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicle Act by amending provisions relating to vehicle impoundment.

Highlighted Provisions:

This bill:

► provides that the Motor Vehicle Division or any peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor:

- whose operator is operating the vehicle and has never been issued a valid driver license; or

- whose operator is operating the vehicle with a suspended or revoked driver license or with a driver license that has been expired for more than one year; ~~H~~→ [and]

► authorizes a peace officer to release a vehicle that is subject to impoundment to another licensed driver in certain circumstances; and ←~~H~~

► makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-1101, as last amended by Laws of Utah 2014, Chapter 382



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **41-1a-1101** is amended to read:

30 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

31 (1) ~~Ĥ→~~ (a) ~~←Ĥ~~ The division or any peace officer, without a warrant, may seize and take
31a possession
32 of any vehicle, vessel, or outboard motor:

33 ~~Ĥ→~~ ~~[(a)]~~ (i) ~~←Ĥ~~ that the division or the peace officer has reason to believe has been stolen;

34 ~~Ĥ→~~ ~~[(b)]~~ (ii) ~~←Ĥ~~ on which any identification number has been defaced, altered, or
34a obliterated;

35 ~~Ĥ→~~ ~~[(c)]~~ (iii) ~~←Ĥ~~ that has been abandoned in accordance with Section 41-6a-1408;

36 ~~Ĥ→~~ ~~[(d)]~~ (iv) ~~←Ĥ~~ for which the applicant has written a check for registration or title fees
36a that has not

37 been honored by the applicant's bank and that is not paid within 30 days;

38 ~~Ĥ→~~ ~~[(e)]~~ (v) ~~←Ĥ~~ that is placed on the water with improper registration;

39 ~~Ĥ→~~ ~~[(f)]~~ (vi) ~~←Ĥ~~ that is being operated on a highway:

40 ~~Ĥ→~~ ~~[(g)]~~ (A) ~~←Ĥ~~ with registration that has been expired for more than three months;

41 ~~Ĥ→~~ ~~[(h)]~~ (B) ~~←Ĥ~~ having never been properly registered by the current owner; or

42 ~~Ĥ→~~ ~~[(i)]~~ (C) ~~←Ĥ~~ with registration that is suspended or revoked; ~~[(or)]~~

43 ~~Ĥ→~~ ~~[(g)-(h)]~~ (v)(A) ~~←Ĥ~~ that the division or the peace officer has reason to believe has been
43a involved in

44 an accident described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and

45 ~~Ĥ→~~ ~~[(j)]~~ (B) ~~←Ĥ~~ whose operator did not remain at the scene of the accident until the
45a operator

46 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7[=];

47 ~~Ĥ→~~ ~~[(k)]~~ (vi) ~~←Ĥ~~ whose operator is operating the vehicle and has never been issued a valid
47a driver

48 license; or

49 ~~Ĥ→~~ ~~[(l)]~~ (vii) ~~←Ĥ~~ whose operator is operating the vehicle:

50 ~~Ĥ→~~ ~~[(m)]~~ (A) ~~←Ĥ~~ with a suspended or revoked driver license; or

51 ~~Ĥ→~~ ~~[(n)]~~ (B) ~~←Ĥ~~ with a driver license that has been expired for more than one year.

51a ~~Ĥ→~~ **(b) Notwithstanding Subsection (1)(a), a peace officer may release a vehicle that is**
51b **subject to impoundment under Subsection (1)(a)(vi) or (vii) to another licensed driver who:**

51c **(i)(A) is in the vehicle; or**

51d **(B) is otherwise available within a reasonably short period of time; and** ☆

51e ✪ (ii) can legally operate the vehicle on a highway. ←H

52 (2) (a) Subject to the restriction in Subsection (2)(b), the division or any peace officer,
53 without a warrant, shall seize and take possession of any vehicle that is being operated on a
54 highway without owner's or operator's security in effect for the vehicle as required under
55 Section 41-12a-301 unless the division or any peace officer makes a reasonable determination
56 that:

57 (i) the seizure of the vehicle would present a public safety concern to the operator or
58 any of the occupants in the vehicle; or